

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE VASO ACTIVE PHARMACEUTICALS
SECURITIES LITIGATION

Civil Action No. 04-10708-RCL

MOTION TO ADMIT SHAYE J. FUCHS PRO HAC VICE

Pursuant to Local Rule 83.5.3, the undersigned counsel, N. Nancy Ghabai, hereby moves that this Court enter an Order granting leave to Shaye J. Fuchs, of the law firm Zwerling, Schachter & Zwerling, LLP to appear on behalf of plaintiff Ira A. Turret Sep – Ira Dated 01/24/02 and proposed lead plaintiff David B. Brody and to practice before this Court in the above-captioned consolidated civil action.

As grounds for this motion, the undersigned represents the following:

1. Mr. Fuchs is admitted to the bar of the State of New Jersey (1999) and to the bar of the State of New York (2000); the United States District Court for the Southern District of New York (2003), and the United States District Court for the Eastern District of New York (2003).
2. Mr. Fuchs is a member of the bar in good standing in every jurisdiction where he has been admitted to practice.
3. There are no disciplinary proceedings pending against Mr. Fuchs as a member of the bar in any jurisdiction.
4. Mr. Fuchs has represented to the undersigned counsel that he is familiar with the Local Rules of the United States District Court for the District of Massachusetts.

5. In further support of this motion, Mr. Fuchs has submitted herewith his Certification for Admission Pro Hac Vice as required by Local Rule 83.5.3. *See* Exhibit A.

WHEREFORE, the undersigned counsel respectfully moves that Mr. Fuchs be admitted to practice before this Court *pro hac vice*.

Dated: June 8, 2004

Respectfully submitted,

**BERMAN DEVALERIO PEASE
TABACCO BURT & PUCILLO**

/s/ N. Nancy Ghabai

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Proposed Liaison Counsel for the Class

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Proposed Lead Counsel for the Class

RULE 7.1 CERTIFICATION

I, N. Nancy Ghabai, Esq., certify that on June 8, 2004 I conferred with Colleen Dunham Henschke, Esq., counsel for defendants Vaso Active Pharmaceutical, Inc., John J. Masiz and Joseph Frattaroli regarding the filing of this motion. Counsel for defendants takes no position with regard to this motion.

/s/ Nancy Ghabai

N. Nancy Ghabai

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE VASO ACTIVE PHARMACEUTICALS
SECURITIES LITIGATION

Civil Action No. 04-10708-RCL

**CERTIFICATION OF SHAYE J. FUCHS FOR ADMISSION PRO HAC VICE
PURSUANT TO LOCAL RULE 83.5.3 OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS**

Pursuant to Rule 83.5.3 of the Local Rules of the United States District Court for the District of Massachusetts, I, Shaye J. Fuchs, hereby certify that:

1. I am an associate of the law firm of Zwerling, Schachter & Zwerling, LLP which has offices, among others, located at 845 Third Avenue, New York, New York 10022 and 50 Charles Lindbergh Blvd., Suite 501A, Uniondale, New York 11553. I was admitted to the bar of the State of New Jersey in 1999, the State of New York in 2000; the United States District Court for the Southern District of New York in 2003, and the United States District Court for the Eastern District of New York in 2003.

2. I am a member of the bar in good standing in every jurisdiction where I have been admitted to practice.

3. There are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.

4. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts.

5. My name, firm name, street address, telephone number, fax number and e-mail address are as follows:

Shaye J. Fuchs
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I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed on June 8, 2004

/s/ Shaye J. Fuchs
Shaye J. Fuchs